JURISDICTION:	**KENTUCKY**
General Reference:	Kentucky Revised Statutes

Required Use of Safety Belts[1]:

    Requirements:

No person shall operate a motor vehicle[2] (manufactured after 1965) unless the driver and all passengers are wearing seat belts. §189.125(6)

Secondary Enforcement. A law enforcement officer shall not stop or seize a person nor issue a citation for a violation of this requirement unless the officer has stopped or seized the person for some other violation of the law. §189.125(7)

    Sanctions for Failure to Use or
    Require the Use of Safety Belts:

A fine of not more than **$25**. §189.990(25) Note: The law does not appear to assign points for a violation of this requirement.

    Effect on Civil Liability:

Failure of any person to wear a seat belt shall not constitute negligence per se.[3] §189.125(5)

Required Use of Child Safety Restraint Systems:

    Requirements:

When transporting a child ≤40 inches in height, a driver of a motor vehicles[2] shall secure such child in a Federally approved child restraint system. §189.125(3) & (4)

    Sanctions for Failure to Require
    the Use of Child Restraint Systems:

A fine of **$50**. §189.990(24) Note: The law does not appear to assign points for a violation of this requirement.

Assessment. In addition to any fine, an offender <u>must</u> pay a special assessment of **$10** which is deposited into the Traumatic Brain Injury Trust Fund. §189.990(26)

    Effect on Civil Liability:

Failure to wear a child passenger restraint shall not be considered as contributory negligence, nor shall such failure be admissible as evidence in the trial of any civil action. §189.125(5)

Required Use of Motorcycle Protective Headgear:

    Requirements:

The following persons are required to wear State approved protective headgear when operating or riding as a passenger on a motorcycle: (1) Operator or passengers who are <21 years old (including passengers <21 years old who are riding in sidecar attachments); (2) any operator who possesses a motorcycle instruction permit; and, (3) any operator

Required Use of Motorcycle Protective Headgear:
(continued)

    Requirements: (continued);

who has possessed a motorcycle operator's permit for <1 year. §189.285(3)

---

[1]**Exemptions.** This requirement does not apply in the following circumstances: (1) To persons who, because of medical or physical conditions, cannot wear a seat belt; and, (2) to letter carriers of the U.S. Postal Service while they are performing their duties. §189.125(6)

[2]A "motor vehicle" includes a vehicle that is designed to carry ≤10 persons and that was manufactured after 1965. However, the term does not include (1) motorcycles, (2) motor driven cycles or (3) farm trucks having a gross weight ≥1 ton. §189.125(1)

[3]In a case decided prior to the enactment of the safety belt use law, the State supreme court held that evidence of safety belt nonuse could be introduced for the jury's consideration in awarding damages to plaintiffs involved in automobile accidents. *Wemyss v. Coleman,* 729 S.W.2d 174 (Ky. 1987)

KENTUCKY

Sanctions for Failure to Use:	A fine of not less than **$20** nor more than **$100**. §189.990(1) Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Motorcycle Eye Protection Device:

Requirements:	When operating a motorcycle, a person must use a State approved eye-protection device. §189.285(1)(b)
Sanctions for Failure to Use:	A fine of not less than **$20** nor more than **$100**. §189.990(1) Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Bicycle Protective Headgear:

Requirements:	**None**
Sanctions for Failure to Use:	

Required Use of Bicycle Eye Protection Device:

Requirements:	**None**
Sanctions for Failure to Use:	

Prohibition Against Riding in Unsecured
Portion of Vehicle:

Requirements:	**None**[4]
Sanctions for a Violation:	
Exemptions:	

---

[4]Even though there is no statutory authority prohibiting this activity, the Safety Belt Use and Child Safety Restraint Systems laws may indirectly establish such a prohibition for <u>all</u> passengers.

VEHICLE OCCUPANT PROTECTION IV